

FORM PTO-1390 (Modified) U.S. PATENT AND TRADEMARK OFFICE; U.S. DEPARTMENT OF COMMERCE
(REV. 7-2005)

**TRANSMITTAL LETTER TO THE UNITED STATES
DESIGNATED/ELECTED OFFICE (DO/EO/US)
CONCERNING A SUBMISSION UNDER 35 U.S.C. 371**

ATTORNEY'S DOCKET NUMBER

14160-2US

U.S. APPLICATION NO. (If known, see 37 CFR 1.5)

To be assigned **10/578701**

INTERNATIONAL APPLICATION NO.

PCT/US2004/037587

INTERNATIONAL FILING DATE

13 November 2004

PRIORITY DATE CLAIMED

14 November 2003

TITLE OF INVENTION

CHROMOSOME 5 GENETIC VARIANTS RELATED TO DYSLEXIA

APPLICANT(S) FOR DO/EO/US

Elliott P. DAWSON, Kristie E. WOMBLE and John A. PHILLIPS III

Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:

1. ☒ This is a **FIRST** submission of items concerning a submission under 35 U.S.C. 371.
2. ☐ This is a **SECOND** or **SUBSEQUENT** submission of items concerning a submission under 35 U.S.C. 371.
3. ☐ This is an express request to begin national examination procedures (35 U.S.C. 371(f)). The submission must include items (5), (6), (9) and (24) indicated below.
4. ☒ The US has been elected (Article 31).
5. ☒ A copy of the International Application as filed (35 U.S.C. 371 (c)(2))
 - a. ☐ is attached hereto (required only if not communicated by the International Bureau).
 - b. ☐ has been communicated by the International Bureau.
 - c. ☒ is not required, as the application was filed in the United States Receiving Office (RO/US).
6. ☐ An English language translation of the International Application as filed (35 U.S.C. 371(c)(2)).
 - a. ☐ is attached hereto.
 - b. ☐ has been previously submitted under 35 U.S.C. 154(d)(4).
7. ☒ Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371 (c)(3))
 - a. ☐ are attached hereto (required only if not communicated by the International Bureau).
 - b. ☐ have been communicated by the International Bureau.
 - c. ☐ have not been made; however, the time limit for making such amendments has NOT expired.
 - d. ☒ have not been made and will not be made.
8. ☐ An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).
9. ☐ An oath or declaration of the inventor(s) (35 U.S.C. 371 (c)(4)).
10. ☐ An English language translation of the annexes to the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371 (c)(5)).
11. ☐ A copy of the International Preliminary Examination Report (PCT/IPEA/409).
12. ☒ A copy of the International Search Report (PCT/ISA/210).

Items 13 to 23 below concern document(s) or information included:

13. ☐ An Information Disclosure Statement under 37 CFR 1.97 and 1.98.
14. ☐ An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.
15. ☒ A **FIRST** preliminary amendment.
16. ☐ A **SECOND** or **SUBSEQUENT** preliminary amendment.
17. ☐ A substitute specification.
18. ☐ A power of attorney and/or change of address letter.
19. ☒ A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 37 CFR 1.821 - 1.825.
20. ☐ A second copy of the published International Application under 35 U.S.C. 154(d)(4).
21. ☐ A second copy of the English language translation of the International Application under 35 U.S.C. 154(d)(4).
22. ☒ Express Mail Label No. **EV 629344940 US**

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

U.S. APPLICATION NO (if known, see 37 CFR 1.5) <div style="font-size: 2em; font-weight: bold; text-align: center;">10/578701</div>	INTERNATIONAL APPLICATION NO. PCT/US2004/037587	ATTORNEY'S DOCKET NUMBER 14160-2US
23. Other items or information: Courtesy copy of parent PCT/US04/37587 (Published Application WO 2005/049796 A2 and A3) including International Search Report and Written Opinion Courtesy copy of Amendment Under Article 34 correcting a typographical error in the international application.		
The following fees have been submitted:		CALCULATIONS PTO USE
24. <input checked="" type="checkbox"/> Basic national fee \$300		\$ 300.00
25. <input checked="" type="checkbox"/> Examination fee (37 CFR 1.492(c)) If the written opinion prepared by ISA/US or the international preliminary examination report prepared by IPEA/US indicates all claims satisfy provisions of PCT Article as an International Searching Authority. \$0 All other situations. \$200		\$ 0.00
26. <input checked="" type="checkbox"/> Search fee (37 CFR 1.492(b)) If the written opinion of the ISA/US or the International preliminary examination report by IPEA/US indicates all claims satisfy provisions of PCT Article 33(1)-(4). . . \$0 Search fee (37 CFR 1.445(a)(2)) has been paid on the international application to the as an International Searching Authority. \$100 International Search Report prepared by an ISA other than the US and provided to the previously communicated to the US by the IB. \$400 All other situations. \$500		\$ 0.00
TOTAL OF 24, 25 and 26 =		\$ 300.00
<input type="checkbox"/> Additional fee for specification and drawings filed in paper over 100 sheets (excluding sequence listing in compliance with 37 CFR 1.821(c) or (e) or computer program listing in an electronic medium) (37 CFR 1.492(j)). The fee is \$250 for each additional 50 sheets of paper or fraction thereof.		
Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof (round up to a whole)
- 100 =	0 /50 =	0
		x \$250.00
Surcharge of \$130.00 for furnishing any of the search fee, examination fee, or the oath or declaration after the date of commencement of the national stage (37 CFR 1.492(h)).		\$
CLAIMS	NUMBER FILED	NUMBER EXTRA
Total claims	11 - 20 =	0
Independent claims	1 - 3 =	0
MULTIPLE DEPENDENT CLAIMS (if applicable) <input type="checkbox"/>		+ \$360.00
TOTAL OF ABOVE CALCULATIONS =		\$ 300.00
<input checked="" type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. Fees above are reduced by 1/2.		\$ 150.00
SUBTOTAL =		\$ 150.00
Processing fee of \$130.00 for furnishing the English translation later than 30 months from the earliest claimed priority date (37 CFR 1.492(i)).		\$ 0.00
TOTAL NATIONAL FEE =		\$ 150.00
Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40 per property +		\$ 0.00
TOTAL FEES ENCLOSED =		\$ 150.00
		Amount to be \$
		Amount to be \$

10/578701

PTO-1390 (Rev. 07-2005)

Approved for use through 3/31/2007. OMB 0651-0021
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

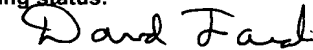
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

- a. ☐ A check in the amount of \$ _____ to cover the above fees is enclosed.
- b. ☒ Please charge my Deposit Account No. 19-2090 in the amount of \$ \$150.00 to cover the above fees.
A duplicate copy of this sheet is enclosed.
- c. ☒ The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 19-2090. A duplicate copy of this sheet is enclosed.
- d. ☐ Fees are to be charged to a credit card. **WARNING:** Information on this form may become public. **Credit card information should not be included on this form.** Provide credit card information and authorization on PTO-2038.

NOTE: Where an appropriate time limit under 37 CFR 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the International Application to pending status.

SEND ALL CORRESPONDENCE TO:

David A. Farah, M.D.
SHELDON & MAK PC
225 South Lake Avenue, 9th Floor
Pasadena, California 91101
Tel.: (626) 796-4000
Fax: (626) 795-6321
E-mail: davidf@usip.com



SIGNATURE

David A. Farah

NAME

38,134

REGISTRATION NUMBER

09 May 2006

DATE

10/578701

IAP12 Rec'd PCT/PTO 09 MAY 2006

CERTIFICATE OF MAILING BY "EXPRESS MAIL" (37 CFR 1.10)		Docket No. 14160-2US
International Application No. PCT/US2004/037587	International Filing Date 13 November 2004	Priority Date Claimed 14 November 2003
Application No. To be assigned	Filing Date 09 May 2006	Customer No. 23676
Inventor/Applicant(s): Elliott P. DAWSON, Kristie E. WOMBLE and John A. PHILLIPS III		
Invention: CHROMOSOME 5 GENETIC VARIANTS RELATED TO DYSLEXIA		
<p>I hereby certify that the following correspondence:</p> <ol style="list-style-type: none">1. Transmittal Letter to the United States Designated/Elected Office (DO/EO/US) Concerning a Submission Under 35 U.S.C. 371 (3 pages)2. Preliminary Amendment (3 pages)3. Sequence Listing (8 pages) and Computer Readable Form (1 diskette)4. Statement in Accordance with 37 CFR 1.821(c) and (e) (2 pages)5. Courtesy copy of parent PCT/US04/37587 (Publication No. WO 2005/049796)A2-A3 including International Search Report and Written Opinion6. Courtesy copy of Amendment Under Article 34 previously submitted in parent PCT/US04/375877. Acknowledgment of Receipt Postcard <p>is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. § 1.10 in an envelope addressed to: Mail Stop PCT, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on: <u>09 MAY 2006</u> (Date)</p> <p style="text-align: center;">_____ Marilyn Paik (Typed or Printed Name of Person Mailing Paper or Fee)</p> <p style="text-align: center;">_____ (Signature of Person Mailing Correspondence)</p> <p style="text-align: center;">EV629344940US</p> <p style="text-align: center;">_____ ("Express Mail" Mailing Label No. EV 629344940 US)</p>		

SHELDON & MAK
A PROFESSIONAL CORPORATION

AP12 Rec'd PCT/PTO 09 MAY 2006

ATTORNEYS

CORPORATE CENTER

225 SOUTH LAKE AVENUE, 9TH FLOOR
PASADENA, CALIFORNIA 91101-3021

FACSIMILE: (626) 795-6321

HOME PAGE: www.usip.com

(626) 796-4000

OTHER CALIFORNIA OFFICES:

RIVERSIDE
UPLANDLES J WEINSTEIN
SENIOR COUNSELJEFFREY G. SHELDON
DANTON K. MAK
DENTON L. ANDERSON
DAVID A. FARAH, M.D.
DOUGLAS H. MORSEBURG
ROBERT J. ROSE
WILLIAM J. BRUTOCAO
DANIEL J. COPLAN
EDWARD C. SCHEWE
KRISTIN C. HIBNER, PH.D.
MARC A. KARISH
MICHAEL F. FEDRICK
SHANNON S. SHELDON
JULIO M. LOZA
A. ERIC BJORGUM

27 April 2005

Urgent!Via Facsimile 011 41 22 910 0610
& Via E-mail pct.infoline@wipo.intThe World Intellectual Property Organization
34, chemin des Colombettes
1211 Geneva 20
SWITZERLAND**CONFIRMED COPY**

Attention: PCT Receiving Office

Re: Request for Recording of Change in PCT Application under Rule 92bis
PCT Patent Application No. PCT/US2004/037587
For: CHROMOSOME 5 GENETIC VARIANTS RELATED TO DYSLEXIA
International Filing Date: 13 November 2004
Priority Date: 14 November 2003
Applicant: BioVentures, Inc.
Sheldon & Mak Docket No. 14160-2PCT

Dear Sirs:

In accordance with Rule 92bis and the United States Receiving Office's recommendation, the Applicant hereby requests a minor typographical change of the application specification on Page 23, Line 36 of the above-identified PCT patent application.

1. Page 23, line 36 contains a minor typographical error of "(5, 6, 7, 8, 9, 10, 11)" that should be "(1, 2, 3, 4, 5, 6, 7)".
2. This change is merely corrects a typographical error in the number sequence of the seven estimated 12 loci haplotypes, so that they correspond with the numbers given in Table 5 of the application.
3. An amended copy of Page 23 of the application specification, containing the typographical correction of Line 36 is attached for your reference.
4. Applicant respectfully requests that this change be reflected in the published PCT application. Applicant understands that the publication of the application generally occurs 16 months from the priority date which in this case should have occurred in late March 2005. Applicant has conducted a search of the PCT Gazette records and has determined that the application

Request for Recording of Change in PCT Application under Rule 92bis

PCT Patent Application No. PCT/US2004/037587

27 April 2005

Page 2

does not appear to have been published as of today's date, 27 April 2005. It is the Applicant's hope that the International Bureau can effect this change prior to the publication of the application.

5. An Article 34 Amendment was initially submitted with the PCT Demand on 15 March 2005, to correct this typographical error. The Applicant has been advised by the United States Receiving Office that any amendments submitted in an Article 34 amendment will not be incorporated into the published application. The United States Receiving Office suggests that this change be requested under Rule 92bis. A copy of this Article 34 Amendment and the PCT Demand are attached for your reference.

This change does not in any way affect the substance of the application or comprise new matter.

No fee is believed due in connection with this communication. However, if any fee is due, please notify the undersigned so that payment arrangements can be made.

Respectfully submitted,

Date: 27 April 2005

By: David A. Farah
David A. Farah, M.D.

DAF/dmg

Enclosures: Copy of replacement Page 23 of the application specification
Copy of Article 34 Amendment
Copy of PCT Demand

cc:

Mail Stop PCT

Commissioner for Patents

P. O. Box 1450

Alexandria, VA 22313-1450

SHELDON & MAK PC
225 South Lake Avenue, 9th Floor
Pasadena, California 91101
Tel. No. (626) 796-4000
Fax. No. (626) 795-6321

Certificate of Facsimile and Email Transmission
I hereby certify that this correspondence is being transmitted by facsimile and email to The World Intellectual Property Organization on 27 April 2005.

By: Deborah Grafe
Deborah Grafe